

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CAROL A. SULLIVAN and :
BRUCE SULLIVAN, *individually and* :
as co-administrators of the estate of :
Sean Sullivan, :
: CIVIL ACTION
v. :
: NO. 07-4447
WARMINSTER TOWNSHIP, ET AL. :

ORDER

And now, this 27th day of May, 2010, upon consideration of Defendants Warminster Township, Chief Michael Murphy, James McCaffrey, Daniel Loporace, Christopher Springfield, Sean Harold, Ron Szymborski and Casey Byrne's Partial Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) and Motion to Strike Pursuant to Federal Rule of Civil Procedure 12(f) (Doc. No. 8) and Defendants', Warrington Township, James J. Miller, John Blanchard and Quentin Fuller, Motion to Partially Dismiss Plaintiffs' Complaint (Doc. No. 9), and all documents submitted in support thereof and in opposition thereto, it is ORDERED that the Motions are GRANTED in part and DENIED in part as follows:

1. The Motions are GRANTED with regard to Count II of the Complaint which is DISMISSED.
2. The Motions are DENIED with regard to Count III of the Complaint.
3. The Motions are DENIED with regard to Count V of the Complaint.
4. The Motions are GRANTED in part and DENIED in part with regard to Count VI of the Complaint. Count VI is DISMISSED against Defendants

Michael Murphy, James J. Miller, Christopher Springfield, Casey Byrne, Ron Szymborski, and Quentin Fuller.

5. The Motions are GRANTED in part and DENIED in part with regard to Count VII of the Complaint. Count VII is DISMISSED against Defendants Michael Murphy, James J. Miller, Christopher Springfield, Casey Byrne, Ron Szymborski, and Quentin Fuller.
6. The Motions are GRANTED in part and DENIED in part with regard to Count VIII of the Complaint. Count VIII is DISMISSED against Defendants Michael Murphy, James J. Miller, Christopher Springfield, Casey Byrne, Ron Szymborski, and Quentin Fuller.
7. The Motions are GRANTED in part and DENIED in part with regard to Count IX of the Complaint. Count IX is DISMISSED against Defendants Michael Murphy, James J. Miller, Christopher Springfield, Casey Byrne, Ron Szymborski, and Quentin Fuller.
8. The Motion to Strike the sentence of Paragraph 33 that reads “(Indeed, one of the shots struck and became lodged in the head board of a child who lives in an adjacent home.)” is GRANTED.

IT IS SO ORDERED.

BY THE COURT:



R. Barclay Surrick, Judge